

By: Senator(s) Hill

To: Education

SENATE BILL NO. 2156

1 AN ACT TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972,
2 TO DIRECT EACH LOCAL SCHOOL BOARD TO ADOPT A POLICY EXCUSING A
3 STUDENT FROM SCHOOL TO ATTEND A RELEASED TIME COURSE FOR NO MORE
4 THAN THREE CLASS PERIODS PER WEEK OR A MAXIMUM OF 125 CLASS
5 PERIODS PER SCHOOL YEAR UNDER CERTAIN CONDITIONS; TO PROVIDE THAT
6 THE STUDENT SHALL RECEIVE ELECTIVE CREDIT FOR TIME SPEND ATTENDING
7 RELEASED TIME COURSES; TO PROVIDE RELIGIOUSLY NEUTRAL CRITERIA FOR
8 A SCHOOL BOARD TO FOLLOW IN DETERMINING WHETHER CREDIT MAY BE
9 AWARDED FOR A PARTICULAR RELEASED TIME COURSE; TO EXEMPT CHARTER
10 SCHOOLS AND VIRTUAL SCHOOLS; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** (1) Each local school board shall adopt a policy
13 excusing a student from school to attend a released time course
14 for no more than three (3) class periods per week or a maximum of
15 one hundred twenty-five (125) class periods per school year,
16 provided that:

17 (a) The student's parent or legal guardian provides
18 written consent prior to the student's participation in the
19 released time course, or alternatively, if the student's parent or
20 legal guardian does not respond to the request for written
21 consent, the student provides written consent to the student's
22 participation in the released time course;



23 (b) The student's parent or legal guardian may, at any
24 time, terminate the student's participation in the released time
25 program upon written notice to the school board;

26 (c) No school district funds other than de minimis
27 administrative costs are expended and no district personnel,
28 equipment or resources are involved in providing the instruction;

29 (d) The independent release entity maintains attendance
30 records and makes them available to the school district and its
31 school board;

32 (e) Any transportation provided to and from the place
33 of instruction is the sole responsibility of the independent
34 release entity, the student, or the student's parent or legal
35 guardian;

36 (f) The independent release entity or the student's
37 parent or legal guardian indemnifies the school district and holds
38 it harmless with regard to any liability arising from conduct that
39 does not occur on school property under the control or supervision
40 of the school district, and the independent release entity
41 maintains adequate insurance for that purpose;

42 (g) The student assumes responsibility for any missed
43 school work; and

44 (h) The school district superintendent, the principal
45 for the school site in which the student is enrolled, or the
46 designee of either has reasonable discretion over the scheduling
47 and timing of released time courses; provided, the student may not



48 be excused to participate in a released time course during any
49 class in which the subject matter being taught is subject to the
50 assessment requirements of Chapter 16, Title 37, Mississippi Code
51 of 1972.

52 (2) The school district, its school board, and the state
53 shall not be liable for the student who participates in a released
54 time course when the student is not under the control or
55 supervision of the district.

56 (3) Instructors hired by an independent release entity to
57 provide a released time course shall not be required to be
58 licensed or certified teachers.

59 (4) A student who attends a released time course shall be
60 considered in attendance in the school district, and the time
61 shall be calculated as part of the school day.

62 (5) A local school board shall award a student elective
63 credit for work completed in a released time course that is
64 substantiated by a transcript from the independent release entity
65 providing the course. A student shall be awarded credit for the
66 completion of each released time course. To determine whether
67 credit may be awarded as provided in this subsection, the school
68 board shall evaluate the course in a neutral and secular manner
69 that does not involve any test for religious content or
70 denominational affiliation. For purposes of this subsection, the
71 secular criteria used to evaluate a released time course may
72 include:



- (a) The amount of classroom instruction time;
- (b) The course syllabus, which reflects the course requirements and any materials used in the course;
- (c) Methods of assessment used in the course; and
- (d) The qualifications of the course instructor.
- (6) This section shall not apply to charter schools established under Section 37-28-1 et seq. or virtual schools established under Section 37-161-1 et seq.

SECTION 2. Section 37-13-91, Mississippi Code of 1972, is amended as follows:

37-13-91. (1) This section shall be referred to as the "Mississippi Compulsory School Attendance Law."

(2) The following terms as used in this section are defined as follows:

(a) "Parent" means the father or mother to whom a child has been born, or the father or mother by whom a child has been legally adopted.

(b) "Guardian" means a guardian of the person of a child, other than a parent, who is legally appointed by a court of competent jurisdiction.

(c) "Custodian" means any person having the present care or custody of a child, other than a parent or guardian of the child.

(d) "School day" means not less than five and one-half (5-1/2) and not more than eight (8) hours of actual teaching in



which both teachers and pupils are in regular attendance for scheduled schoolwork.

(e) "School" means any public school, including a charter school, in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic" school term shall be the number of days that each school shall require for promotion from grade to grade.

(f) "Compulsory-school-age child" means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program.

(g) "School attendance officer" means a person employed by the State Department of Education pursuant to Section 37-13-89.

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the case of a nonpublic school, the principal or the headmaster.

(i) "Nonpublic school" means an institution for the teaching of children, consisting of a physical plant, whether owned or leased, including a home, instructional staff members and students, and which is in session each school year. This



definition shall include, but not be limited to, private, church, parochial and home instruction programs.

(j) "Released time course" means course in religious or moral instruction taught by an independent entity off school property at a time during which a student is excused from school to attend such course.

(k) "Independent release entity" means a person or organization not under the control of a school district or the State Board of Education that teaches a released time course.

(3) A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:

(a) When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.

(b) When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for children with physical or mental disadvantages or disabilities.

(c) When a compulsory-school-age child is being educated in a legitimate home instruction program.



146 The parent, guardian or custodian of a compulsory-school-age
147 child described in this subsection, or the parent, guardian or
148 custodian of a compulsory-school-age child attending any charter
149 school or nonpublic school, or the appropriate school official for
150 any or all children attending a charter school or nonpublic school
151 shall complete a "certificate of enrollment" in order to
152 facilitate the administration of this section.

153 The form of the certificate of enrollment shall be prepared
154 by the Office of Compulsory School Attendance Enforcement of the
155 State Department of Education and shall be designed to obtain the
156 following information only:

157 (i) The name, address, telephone number and date
158 of birth of the compulsory-school-age child;

159 (ii) The name, address and telephone number of the
160 parent, guardian or custodian of the compulsory-school-age child;

161 (iii) A simple description of the type of
162 education the compulsory-school-age child is receiving and, if the
163 child is enrolled in a nonpublic school, the name and address of
164 the school; and

165 (iv) The signature of the parent, guardian or
166 custodian of the compulsory-school-age child or, for any or all
167 compulsory-school-age child or children attending a charter school
168 or nonpublic school, the signature of the appropriate school
169 official and the date signed.



170 The certificate of enrollment shall be returned to the school
171 attendance officer where the child resides on or before September
172 15 of each year. Any parent, guardian or custodian found by the
173 school attendance officer to be in noncompliance with this section
174 shall comply, after written notice of the noncompliance by the
175 school attendance officer, with this subsection within ten (10)
176 days after the notice or be in violation of this section.

177 However, in the event the child has been enrolled in a public
178 school within fifteen (15) calendar days after the first day of
179 the school year as required in subsection (6), the parent or
180 custodian may, at a later date, enroll the child in a legitimate
181 nonpublic school or legitimate home instruction program and send
182 the certificate of enrollment to the school attendance officer and
183 be in compliance with this subsection.

184 For the purposes of this subsection, a legitimate nonpublic
185 school or legitimate home instruction program shall be those not
186 operated or instituted for the purpose of avoiding or
187 circumventing the compulsory attendance law.

188 (4) An "unlawful absence" is an absence for an entire school
189 day or during part of a school day by a compulsory-school-age
190 child, which absence is not due to a valid excuse for temporary
191 nonattendance. For purposes of reporting absenteeism under
192 subsection (6) of this section, if a compulsory-school-age child
193 has an absence that is more than thirty-seven percent (37%) of the
194 instructional day, as fixed by the school board for the school at



195 which the compulsory-school-age child is enrolled, the child must
196 be considered absent the entire school day. Days missed from
197 school due to disciplinary suspension shall not be considered an
198 "excused" absence under this section. This subsection shall not
199 apply to children enrolled in a nonpublic school.

200 Each of the following shall constitute a valid excuse for
201 temporary nonattendance of a compulsory-school-age child enrolled
202 in a noncharter public school, provided satisfactory evidence of
203 the excuse is provided to the superintendent of the school
204 district, or his designee:

205 (a) An absence is excused when the absence results from
206 the compulsory-school-age child's attendance at an authorized
207 school activity with the prior approval of the superintendent of
208 the school district, or his designee. These activities may
209 include field trips, athletic contests, student conventions,
210 musical festivals and any similar activity.

211 (b) An absence is excused when the absence results from
212 illness or injury which prevents the compulsory-school-age child
213 from being physically able to attend school.

214 (c) An absence is excused when isolation of a
215 compulsory-school-age child is ordered by the county health
216 officer, by the State Board of Health or appropriate school
217 official.

218 (d) An absence is excused when it results from the
219 death or serious illness of a member of the immediate family of a



compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.



(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(j) An absence is excused when it results from the attendance of a compulsory-school-age child participating in official organized events sponsored by the 4-H or Future Farmers of America (FFA). The excuse for the 4-H or FFA event must be provided in writing to the appropriate school superintendent by the Extension Agent or High School Agricultural Instructor/FFA Advisor.

(k) An absence is excused when it results from the compulsory-school-age child officially being employed to serve as a page at the State Capitol for the Mississippi House of Representatives or Senate.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a



child and, upon conviction, shall be punished in accordance with
Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a
compulsory-school-age child for violation of this section, the
presentation of evidence by the prosecutor that shows that the
child has not been enrolled in school within eighteen (18)
calendar days after the first day of the school year of the public
school which the child is eligible to attend, or that the child
has accumulated twelve (12) unlawful absences during the school
year at the public school in which the child has been enrolled,
shall establish a prima facie case that the child's parent,
guardian or custodian is responsible for the absences and has
refused or willfully failed to perform the duties imposed upon him
or her under this section. However, no proceedings under this
section shall be brought against a parent, guardian or custodian
of a compulsory-school-age child unless the school attendance
officer has contacted promptly the home of the child and has
provided written notice to the parent, guardian or custodian of
the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled
in a school within fifteen (15) calendar days after the first day
of the school year of the school which the child is eligible to
attend or the child has accumulated five (5) unlawful absences
during the school year of the public school in which the child is
enrolled, the school district superintendent, or his designee,



shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the



child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

(8) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.



344 **SECTION 3.** Section 1 of this act shall be codified in
345 Chapter 13, Title 37, Mississippi Code of 1972.

346 **SECTION 4.** This act shall take effect and be in force from
347 and after July 1, 2025.

